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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,942	09/09/2003	Richard Martin	14190US02	1603

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MCANDREWS HELD & MALLOY, LTD
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CHICAGO, IL 60661

EXAMINER

GOETZE, SIMON A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/657,942

Applicant(s)

MARTIN ET AL.

Examiner

Simon A. Goetze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eichert et al. (US Patent 6,393,474)** in view of **Forslow (US Patent Application Publication 2002/0069278)**.

Consider **claim 1**, Eichert et al. discloses a method for hardware acceleration in a wired local area network, the method comprising:

creating at least one policy to be distributed among at least one of a plurality of access point groups (*the system administrator inputs instructions representing policy – Figure 3 – Column 3, Lines 42-57; Column 7, Lines 1-7; Column 8, Lines 31-42; Abstract*);

associating said at least one policy with a particular one of said access point groups (*policy is distributed to the different groups of network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63*); and

distributing said associated at least one policy to at least one access point in said plurality of access point groups (*policy is distributed to the network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63; Column 9, Lines 11-26*).

However, Eichert et al. discloses that this administration of a network occurs in a wired network such as a LAN or WAN, and fails to disclose that this happens in a hybrid wired/wireless network such as a WLAN.

In related prior art, Forslow discloses a centralized administration of policies to one or more routers which act as access points to wireless users (*Abstract; Page 4, Paragraph 0066; Page 5, Paragraph 0088; Column 6, Lines 0091 & 0097 – Figures 1-2*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Forslow with those of Eichert et al. because it

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is desirable to implement a policy management system that can be dynamically controlled in a wireless network, due to their wide popularity and the ever increasing mobility of society.

Consider **claim 10**, Eichert et al. discloses a machine-readable storage, having stored thereon a computer program having at least one code section for hardware acceleration in a wired local area network, the at least one code section executable by a machine for causing the machine to perform the steps comprising:

creating at least one policy to be distributed among at least one of a plurality of access point groups (*the system administrator inputs instructions representing policy – Figure 3 – Column 3, Lines 42-57; Column 7, Lines 1-7; Column 8, Lines 31-42; Abstract*);

associating said at least one policy with a particular one of said access point groups (*policy is distributed to the different groups of network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63*); and

distributing said associated at least one policy to at least one access point in said plurality of access point groups (*policy is distributed to the network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63; Column 9, Lines 11-26*).

However, Eichert et al. discloses that this administration of a network occurs in a wired network such as a LAN or WAN, and fails to disclose that this happens in a hybrid wired/wireless network such as a WLAN.

In related prior art, Forslow discloses a centralized administration of policies to one or more routers which act as access points to wireless users (*Abstract; Page 4, Paragraph 0066; Page 5, Paragraph 0088; Column 6, Lines 0091 & 0097 – Figures 1-2*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Forslow with those of Eichert et al. because it is desirable to implement a policy management system that can be dynamically controlled in a wireless network, due to their wide popularity and the ever increasing mobility of society.

Consider **claim 19**, Eichert et al. discloses a system for hardware acceleration in a wired local area network, the method comprising:

means for creating at least one policy to be distributed among at least one of a plurality of access point groups (*the system administrator inputs instructions representing policy – Figure 3 – Column 3, Lines 42-57; Column 7, Lines 1-7; Column 8, Lines 31-42; Abstract*);

means for associating said at least one policy with a particular one of said access point groups (*policy is distributed to the different groups of network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63*); and

means for distributing said associated at least one policy to at least one access point in said plurality of access point groups (*policy is distributed to the network devices and end systems – Figures 1 and 3 – Column 4, Lines 1-18; Column 8, Lines 31-42 & 56-63; Column 9, Lines 11-26*).

However, Eichert et al. discloses that this administration of a network occurs in a wired network such as a LAN or WAN, and fails to disclose that this happens in a hybrid wired/wireless network such as a WLAN.

In related prior art, Forslow discloses a centralized administration of policies to one or more routers which act as access points to wireless users (*Abstract; Page 4, Paragraph 0066; Page 5, Paragraph 0088; Column 6, Lines 0091 & 0097 – Figures 1-2*).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teachings of Forslow with those of Eichert et al. because it is desirable to implement a policy management system that can be dynamically controlled in a wireless network, due to their wide popularity and the ever increasing mobility of society.

Consider **claim 2**, as applied to claim 1 above, Eichert et al. as modified by Forslow further discloses identifying said associated policy to be distributed to said particular one of said access point groups (*Eichert et al. – Column 2, Lines 6-27; Column 7, Lines 1-6 & 48-56*).

Consider **claim 3**, as applied to claim 2 above, Eichert et al. as modified by Forslow further discloses conditioning said selection of said identified policy upon occurrence of an event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56*).

Consider **claim 4**, as applied to claim 3 above, Eichert et al. as modified by Forslow further discloses distributing said identified policy to said particular one of said access point groups upon said occurrence of said event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-10*).

Consider **claim 5**, as applied to claim 4 above, Eichert et al. as modified by Forslow further discloses associating said at least one policy with a particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 6**, as applied to claim 5 above, Eichert et al. as modified by Forslow further discloses distributing said identified policy to said particular access point in said

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particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 7**, as applied to claim 1 above, *Eichert et al.* as modified by Forslow further discloses communicating said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 8**, as applied to claim 7 above, *Eichert et al.* as modified by Forslow further discloses broadcasting said at least one policy from said at least one of a switch and a server to said at least a portion of said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095*).

Consider **claim 9**, as applied to claim 8 above, *Eichert et al.* as modified by Forslow further discloses distributing said at least one policy via at least one messaging protocol message (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095*).

Consider **claim 11**, as applied to claim 10 above, *Eichert et al.* as modified by Forslow further discloses code for identifying said associated policy to be distributed to said particular one of said access point groups (*Eichert et al. – Column 2, Lines 6-27; Column 7, Lines 1-6 & 48-56*).

Consider **claim 12**, as applied to claim 11 above, Eichert et al. as modified by Forslow further discloses code for conditioning said selection of said identified policy upon occurrence of an event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56*).

Consider **claim 13**, as applied to claim 12 above, Eichert et al. as modified by Forslow further discloses code for distributing said identified policy to said particular one of said access point groups upon said occurrence of said event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-10*).

Consider **claim 14**, as applied to claim 13 above, Eichert et al. as modified by Forslow further discloses code for associating said at least one policy with a particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 15**, as applied to claim 14 above, Eichert et al. as modified by Forslow further discloses code for distributing said identified policy to said particular access point in said particular one of said access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 16**, as applied to claim 10 above, Eichert et al. as modified by Forslow further discloses code for communicating said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32*).

Consider **claim 17**, as applied to claim 16 above, Eichert et al. as modified by Forslow further discloses code for broadcasting said at least one policy from said at least one of a switch and a server to said at least a portion of said plurality of access point groups (*Eichert et al. –*

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Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095).

Consider **claim 18**, as applied to claim 17 above, Eichert et al. as modified by Forslow further discloses code for distributing said at least one policy via at least one messaging protocol message (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: Forslow – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095).*

Consider **claim 20**, as applied to claim 19 above, Eichert et al. as modified by Forslow further discloses means for identifying said associated policy to be distributed to said particular one of said access point groups (*Eichert et al. – Column 2, Lines 6-27; Column 7, Lines 1-6 & 48-56).*

Consider **claim 21**, as applied to claim 20 above, Eichert et al. as modified by Forslow further discloses means for conditioning said selection of said identified policy upon occurrence of an event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56).*

Consider **claim 22**, as applied to claim 21 above, Eichert et al. as modified by Forslow further discloses means for distributing said identified policy to said particular one of said access point groups upon said occurrence of said event (*Eichert et al. – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-10).*

Consider **claim 23**, as applied to claim 22 above, Eichert et al. as modified by Forslow further discloses means for associating said at least one policy with a particular access point in

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said particular one of said access point groups (*Eichert et al.* – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32).

Consider **claim 24**, as applied to claim 23 above, *Eichert et al.* as modified by Forslow further discloses means for distributing said identified policy to said particular access point in said particular one of said access point groups (*Eichert et al.* – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32).

Consider **claim 25**, as applied to claim 19 above, *Eichert et al.* as modified by Forslow further discloses means for communicating said at least one policy from at least one of a switch and a server to at least one access point in said plurality of access point groups (*Eichert et al.* – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32).

Consider **claim 26**, as applied to claim 25 above, *Eichert et al.* as modified by Forslow further discloses means for broadcasting said at least one policy from said at least one of a switch and a server to said at least a portion of said plurality of access point groups (*Eichert et al.* – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: *Forslow* – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095).

Consider **claim 27**, as applied to claim 26 above, *Eichert et al.* as modified by Forslow further discloses means for distributing said at least one policy via at least one messaging protocol message (*Eichert et al.* – Column 4, Lines 1-19; Column 7, Lines 48-56; Column 8, Lines 31-42; Column 9, Lines 1-32 :: *Forslow* – Page 3, Paragraph 0034; Page 4, paragraph 0066; Page 5, Paragraph 0088; page 6, paragraph 0095).

Conclusion

6. The prior art made of record and not relied upon and is considered pertinent to applicant's disclosure is listed below.

US 20030216141 A1	Service-oriented protection scheme for a radio access network	Antoniou, Zoe et al.
US 7106756 B1	Customer resources policy control for IP traffic delivery	Donovan; Steven Robert et al.
US 6954790 B2	Network-based mobile workgroup system	Forslow; Jan
US 7130904 B2	Multiple link layer wireless access point	Kitchin; Duncan M.
US 20050117576 A1	Network access system including a programmable access device having distributed service control	McDysan, Dave et al.
US 20050185626 A1	Method for grouping 802.11 stations into authorized service sets to differentiate network access and services	Meier, Robert C. et al.
US 20040215957 A1	Authentication and encryption method and apparatus for a wireless local access network	Moineau, Gilbert et al.
US 20030125028 A1	Mobile communications	Reynolds, Paul

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7. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Simon A. Goetze whose telephone number is (571) 270-1113. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm and Friday from 7:30am to 4:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Simon A. Goetze
S.A.G./sag

December 22, 2006


NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600